

AARON D. FORD  
Attorney General  
ANDREW C. NELSON, Bar No. 15971  
Deputy Attorney General  
State of Nevada  
100 N. Carson Street  
Carson City, Nevada 89701-4717  
Tel: (775) 684-1227  
E-mail: acnelson@ag.nv.gov

*Attorneys for Defendant  
Jesse Haines*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILLIE LEE JEFFERSON,  
  
Plaintiff,  
  
v.  
  
J. HAINES, et al.,  
  
Defendants.

Case No. 3:21-cv-00341-RCJ-CLB

**ORDER GRANTING  
DEFENDANT'S MOTION FOR  
EXTENSION OF TIME TO FILE  
DISPOSITIVE MOTIONS  
(SECOND REQUEST)**

Defendant, Jesse Haines, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Andrew C. Nelson, Deputy Attorney General, hereby respectfully move this Court for an extension of time to file dispositive motions in this matter. This Motion is made and based upon the Federal Rule of Civil Procedure 6(b)(1)(A) and LR 26-3.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

This is a *pro se* prisoner civil rights action brought by Plaintiff, Willie Lee Jefferson (Jefferson), asserting claims arising under 42. U.S.C. §1983. Jefferson is currently an inmate in the custody of the Nevada Department of Corrections (NDOC) and presently housed at Northern Nevada Correctional Center (NNCC). Jefferson was allowed to proceed on an Eighth Amendment excessive force claim against Defendants, Jesse Haines (Haines) and John Doe, once Jefferson discovery his/her identity through this Court's mandatory

1 screening process. (ECF No. 3 at 9:17-18). As of the date of this Motion, John Doe has not  
2 yet been identified.

3 On December 29, 2022, this Court entered an Amended Scheduling Order and  
4 Discovery Plan with **July 19, 2023**, as the deadline for filing Dispositive Motions. (ECF  
5 No. 24 at 6:1; 6:22-23). Initially, Defense Counsel requested a sixty-day (60) extension of  
6 time to file dispositive motions (*See* ECF No. 28). At which time, the court denied the  
7 request with leave to refile. (*See generally* ECF No. 29). Ultimately, after refileing the  
8 request (ECF No. 30), this Court granted the extension ordering dispositive motions be  
9 filed on or before **August 9, 2023**. (ECF No. 31).

#### 10 **A. Discovery Completed**

- 11 • Defendant's Rule 26 Initial Disclosures
- 12 • Defendant Jesse Haines' Response to Plaintiff's Requests for Production of
- 13 Documents [Set One]
- 14 • Defendant Jesse Haines' Responses to Plaintiff's Requests for Admissions
- 15 [Set One]
- 16 • Defendant Jesse Haines' Responses to Plaintiff's Interrogatories [Set One]
- 17 • Defendant's First Supplement to Rule 26 Initial Disclosures

#### 18 **B. Discovery That Remains to be Completed**

- 19 • Jefferson recently filed a Renewed Motion for Appointment of Counsel. In
- 20 that motion, Jefferson asserts the Defendants are withholding brady
- 21 material other discovery matters as well as a request for counsel. (*See*
- 22 *generally* ECF No. 32).

#### 23 **C. Reasons why the Deadlines Were not Satisfied**

24 Defense Counsel requests an additional fourteen (14) days to file dispositive motions.  
25 First, Defense Counsel submits that his recent and upcoming schedule and workload  
26 constitutes good cause<sup>1</sup> for granting an extension of time to file Defendants' Motion for

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27 <sup>1</sup> The Ninth Circuit provided a non-exhaustive list of valid good-cause reasons in the  
28 context of F.R.C.P. 6(b). *See Ahanchia v. Xenon Pictures, Inc.*, 624 F.3d 1253. The Ninth  
Circuit noted reasons such as holidays, weekends, prior commitments, previously planned

Summary Judgment. Initially, Defense Counsel has a dispositive motion due on August 7, 2023, in the following case: *Lausteveion Johnson v. Davis, et al.*, USDC 3:21-cv-00403-RCJ-CSD. Additionally, Defense Counsel is scheduled to be in a week-long jury trial beginning August 7, 2023, in the following case: *Brett Doyle v. State of Nevada et. al.*, USDC 3:19-cv-00725. Defense Counsel was also scheduled to be in another week-long jury trial commencing August 15, 2023, in the following case: *Justin Edmiston v. Saucedo, et al.*, USDC 3:21-cv-00245-MMD-CSD, however, was vacated on the date of this motion. So, Defense Counsel was spending time working to prepare each jury trial.

Second, prior to submitting dispositive motions in this present matter, Defense Counsel would like additional time to confer with Mr. Jefferson and the NDOC in consideration of settling this matter. Unfortunately, Defense Counsel is unable to meet Jefferson until August 14, 2023. The reason Defense Counsel has been unable to meet with Mr. Jefferson up to this point is because counsel was meeting with clients, witnesses, and the Plaintiff in the aforementioned jury trials. So, Defense Counsel was unavailable until after August 9, 2023, to meet with Mr. Jefferson. Additionally, Defense Counsel would like to meet with Mr. Jefferson in-person to discuss the possibility of settling this matter as well as the current discovery issues he has. This extension will allow the parties to discuss those issues and possibly reach a resolution. Therefore, Defense Counsel makes this request in good faith and not to cause undue delay or for any other improper purpose.

#### **D. Current Deadlines**

- Dispositive Motion Deadline: August 9, 2023
- Joint Pretrial Order (if no dispositive motions filed): September 8, 2023

#### **E. Proposed Deadlines**

- Dispositive Motion Deadline: August 23, 2023
- Joint Pretrial Order (if no dispositive motions filed): September 22, 2023

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trips, other occupational duties, personal and familial obligations, and the health of legal professionals. *Id.* at 1258-60.

**F. Good Cause Support the Extension of Time**

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

This Court should find good cause supports this request. When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Even though this request is untimely, the requisite good cause is present in order to have an opportunity to meet with Mr. Jefferson in-person to discuss these issues and hopefully resolve them. Additionally, Defense Counsel was hoping to meet with Mr. Jefferson prior to August 9, 2023, in doing so, did not file this until now. So, Defense Counsel needs this additional to meet and confer with Mr. Jefferson as well as the NDOC to further discuss, and possibly pursue, a settlement in this matter. Based upon that, Defense Counsel asserts that the requisite good cause is present to warrant the extension of time.

**II. CONCLUSION**

Based upon the foregoing, Defense Counsel respectfully requests an additional fourteen (14) days to include up to and until **August 23, 2023**, to file dispositive motions in this matter.

DATED this 4th day of August, 2023.

By: /s/ Andrew C. Nelson  
ANDREW C. NELSON, Bar No. 15971  
Deputy Attorney General

**ORDER**

Defendant shall have until **August 23, 2023** to file dispositive motions. **No further extensions of time will be granted.**

**IT IS SO ORDERED.**

**Dated:** August 4, 2023.

  
UNITED STATES MAGISTRATE JUDGE